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PATENTS  
ODS-31

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants : Richard E. McNutt et al.

Application No. : 09/827,679 Confirmation No. : 6749

Filed : April 5, 2001

For : INTERACTIVE WAGERING SYSTEMS AND METHODS  
FOR RESTRICTING WAGERING ACCESS

Group Art Unit : 3713

Examiner : Scott E. Jones

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October 6, 2005

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APPEAL BRIEF  
POSTCARD  
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

  
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AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Sir:

The Director is hereby authorized to charge \$1,520.00 to Deposit Account No. 06-1075 (Order No. 003043-0031), in payment of the Appeal Brief filing fee required under 37 C.F.R. § 41.20(b)(2) and the extension of time fee required under 37 C.F.R. § 1.17(a)(3).

The Director is hereby authorized to charge any additional fees that may be due in connection with this Appeal Brief, or credit any overpayment of the same, to Deposit Account No. 06-1075 (Order No. 003043-0031). A duplicate copy of this Authorization is transmitted herewith.

Respectfully submitted,



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PATENTS  
Attorney Docket No. ODS-31



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Alexandria, Virginia 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants are filing this Appeal Brief in support of the May 6, 2005 Notice of Appeal from the rejection of claims 1-79 in the final Office Action dated December 6, 2004.

Appellants hereby petition for a three-month extension of time under 37 C.F.R. § 1.136(a) for filing this Appeal Brief. With the extension, this Appeal Brief in support of the Notice of Appeal filed on May 6, 2005 is due on or before October 6, 2005.

The Director is hereby authorized to charge \$1,520.00 to Deposit Account No. 06-1075 (Order No. 003043-0031) in payment of the filing fee required under 37 C.F.R. § 41.20(b)(2)

and the extension fee required under 37 C.F.R. § 1.17(a)(3). The Director is also hereby authorized to charge any additional fees that may be due in connection with this Appeal Brief, or credit any overpayment of the same, to Deposit Account No. 06-1075 (Order No. 003043-0031). A separate Authorization to Charge Deposit Account is enclosed for these purposes (in duplicate).

In view of the arguments and authorities set forth below, the Board should find the rejection of claims 1-79 to be in error, and the Board should reverse the rejection.

This Brief has the following appendices:

Claims Appendix

Appendix A: Copy of claims 1-79 involved in this appeal;

Evidence Appendices

Appendix B: Copy of the final Office Action dated December 6, 2004;

Appendix C: Copy of Alcorn et al. U.S. Patent No. 6,104,815 (hereinafter "Alcorn");

Appendix D: Copy of Paravia et al. U.S. Patent No. 6,508,710 (hereinafter "Paravia"); and

Appendix E: Copy of Leiden, Candance et al. "TCP/IP for Dummies," second edition, 1997, p. 331.

I. Identification Of Real Party In Interest

Appellants respectfully advise the Board that the real party in interest in the above-identified patent application is ODS Properties, Inc., a corporation organized and existing under the laws of the State of Delaware, and having an office and place of business at 6701 Center Drive West, Los Angeles, CA 90045, which is the assignee of this application. A copy of the recorded assignment document may be seen at reel 011583, frame 0660.

II. Related Appeals And Interferences

Pursuant to 37 C.F.R. § 41.37(c)(ii), appellants respectfully advise the Board that there are no other appeals, interferences, or judicial proceedings known to them, their legal representative, or their assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status Of Claims

Claims 1-79 are pending in this application. Claims 1-79 stand finally rejected under 35 U.S.C. § 103(a) and are on appeal.

IV. Status Of Amendments

Appellants have not submitted any amendment pursuant to 37 C.F.R. § 1.116 or in reply to the Examiner's December 6,

2004 final Office Action (hereinafter "Office Action"), from which this Appeal is being sought.

V. Summary Of Claimed Subject Matter

Appellants' invention, as defined by independent claims 12, 27, 54, and 72, is directed to systems, a method, and a machine-readable medium that enable user equipment to verify whether it is located in a geographic location where wagering is allowed. An integrated receiver decoder is used to receive blackout information, where the blackout information indicates geographic areas that prohibit wagering. Location information that indicates the geographic location of the user equipment is obtained and the user equipment compares the location information to the blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed.

Support in the specification for claims 12, 27, 54, and 72 is found at least in the locations indicated in the following table, which also identifies the means-plus-function elements of claim 72:

Claim 72	The Specification
An interactive wagering system for enabling user equipment to verify whether it is located in a geographic location where wagering is allowed, the system comprising:	See, e.g., Summary of the Invention, p. 3, ll. 16-31.

Claim 72	The Specification
means for using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering;	See, e.g., Summary of the Invention, p. 3, ll. 3-15 and p. 43, ll. 10-18.
means for obtaining location information that indicates the geographic location the user equipment is located; and	See, e.g., Summary of the Invention, p. 3, ll. 16-31; p. 43, ll. 10-18; and FIG. 12.
means for comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed.	See, e.g., p. 43, ll. 19-29 and FIG. 12.

Appellants' invention, as defined by independent claims 1, 14, 16, 29, 40, 58, 76, and 78, is generally directed to restricting wagering access on user equipment. When a determination is made that the user equipment is in a location where wagering is allowed, a location verification token is provided to the user equipment. The location verification token includes content that indicates that the user equipment is in a location where wagering is allowed. Wagering access is restricted when either the user equipment does not have a valid token (claims 1, 16, 40, and 58) or a token is not stored on the user equipment (claims 14, 29, 76, and 78).

Support in the specification for claims 1, 14, 16, 29, 40, 58, 76, and 78 are found at least in the locations indicated

in the following tables, which also identifies the means-plus-function elements of claims 58 and 78:

Claim 58	The Specification
An interactive wagering system having user equipment that restricts wagering access, the system comprising:	See, e.g., Summary of the Invention, p. 3, l. 32 - p. 4, l. 17.
means for determining a geographic location of the user equipment;	See, e.g., Summary of the Invention, p. 3, ll. 16-31; p. 43, ll. 10-18; p. 48, ll. 15-26; and FIGS. 12 and 15.
means for checking whether wagering is allowed in the geographic location of the user equipment;	See, e.g., p. 43, ll. 19-29; p. 48, ll. 27-33; and FIGS. 12 and 15.
means for providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed;	See, e.g., p. 48, l. 34 - p. 49, l. 6 and FIG. 15.
means for using the interactive wagering application to verify whether the location verification token is valid; and	See, e.g., p. 49, l. 28 - p. 50, l. 6 and FIG. 16.
means for restricting wagering access when the user equipment does not have a valid location verification token.	See, e.g., p. 49, ll. 7-9; p. 50, ll. 7-11; and FIG. 15.

Claim 78	The Specification
An interactive wagering system for verifying that user equipment is located in a geographic location where wagering is allowed, the system comprising:	See, e.g., Summary of the Invention, p. 3, ll. 16-31.
means for determining in which geographic location the user equipment is located;	See, e.g., Summary of the Invention, p. 3, ll. 16-31; p. 43, ll. 10-18; p. 48, ll. 15-26; and FIGS. 12 and 15.
means for providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token is provided by an interactive wagering system, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed, and wherein the location verification token is stored on the user equipment; and	See, e.g., p. 48, l. 34 - p. 49, l. 6 and FIG. 15.
means for restricting wagering access when the location verification token is not stored on the user equipment.	See, e.g., p. 49, ll. 7-9; p. 50, ll. 7-11; and FIG. 15.

#### VI. Grounds Of Rejection To Be Reviewed On Appeal

The grounds of rejection to be reviewed on appeal are: the rejection of claims 12, 27, 36-39, 54, 56-57, 72, and 74-75 under 35 U.S.C. § 103(a) as being unpatentable over Alcorn; the rejection of claims 1-2, 4-11, 14-17, 19-26, 28-35, 40-41, 43-

53, 58-59, 61-71, and 76-79 under 35 U.S.C. § 103(a) as being unpatentable over Paravia; the rejection of claims 13, 55, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Alcorn in view of Paravia; and the rejection of claims 3, 18, 42, and 60 under 35 U.S.C. § 103(a) as being unpatentable over Paravia in view of Alcorn.

## VII. Argument

### A. The Rejection of Independent Claims 12, 27, 54, and 72

In the Office Action, the Examiner rejected independent claims 12, 27, 54, and 72 under 35 U.S.C. § 103(a) as being unpatentable over Alcorn. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

#### i. The Differences Between Alcorn and Appellants' Claimed Invention

Generally speaking, appellants' invention, as defined by independent claims 12, 27, 54, and 72, enables user equipment to determine whether it is located in a geographic region where wagering is allowed. Blackout information, which indicates the geographic regions where wagering is prohibited, is received by the user equipment. Location information is also obtained by the user equipment that indicates the geographic location in which the user equipment is located. A determination is then

made whether the user equipment is located in a geographic region where wagering is allowed. This determination is made by comparing the received blackout information with user equipment location information at the user equipment.

Alcorn refers to a gaming system where a central casino gaming server communicates with remote player terminals. The casino gaming server may determine whether a player terminal is in a valid location based on information (e.g., latitude and longitude information) received from the remote player terminal. A signal is then delivered to the remote gaming terminal from the casino gaming server. This signal indicates whether the remote player terminal is authorized to play. (See Alcorn, column 7, lines 8-30).

Appellants' claimed invention is distinguishable from Alcorn's gaming system for several reasons. The most noticeable difference between the two systems is the site of the location verification process. In Alcorn, it is clear that the remote player terminal sends geographic position information to a central gaming server, which then, in turn, determines if the remote player terminal is authorized to play. *Id.* In stark contrast, appellants' novel location verification process verifies the location of the user equipment locally at the user equipment.

Moreover, the methods and instrumentalities used to verify the location of the remote terminals are quite different in the two systems. Appellants' claimed invention involves receiving blackout information at the user equipment, wherein the blackout information indicates geographic regions that prohibit wagering. This received blackout information is then compared to user equipment location information obtained by the user equipment to determine if the user equipment is located in a geographic location where wagering is allowed. In Alcorn, there is no mention of the delivery of blackout information to a remote player terminal. Rather, Alcorn's central gaming server receives latitude and longitude information from a remote player terminal. The server then determines, from the received information, if the remote player terminal is authorized to play.

ii. The Examiner has Failed to Establish  
a Prime Facie Case of Obviousness

It is well-settled that "to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." (See MPEP § 2143.03) In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Appellants respectfully submit that the Examiner has not met his burden to establish a *prima facie* case obviousness because Alcorn fails to show or suggest all of the appellants' claim

limitations. Namely, Alcorn fails to show or suggest at least 1) "receiv[ing] blackout information, wherein blackout information indicates geographic regions that prohibit wagering" and 2) "comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed" (emphasis added), as required by independent claims 12, 27, 54, and 72.

The Examiner admits that Alcorn "lack[s] explicitly disclosing" these features. (Office Action, page 4). However, the Examiner contends that "since Alcorn's apparatus and the instant invention perform the same function," it would have been obvious to make this [location] determination in the remote user equipment as claimed. Id. Appellants respectfully disagree.

It is well-settled that "[e]ven when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference." In re Kotzab, 55 USPQ2d 1313, 1316-1317 (Fed. Cir. 2000). Appellants respectfully submit that the only suggestion or motivation to perform Alcorn's location verification at the user equipment is provided by the teachings of appellants' own disclosure. Just because the end result of appellants' claimed invention and Alcorn's apparatus may be similar, this fact alone is not evidence of a motivation to modify Alcorn. Although

Alcorn may generally suggest the ability to verify if a remote player terminal is authorized to play, Alcorn's methods and instrumentalities used are quite different from appellants' claimed invention. As discussed above, Alcorn's remote player terminals do not receive blackout information and the location verification is not performed at the remote player terminals. Appellants submit that at least because of these differences, modifying Alcorn to perform the location verification at the user equipment is far from obvious.

Instead of pointing to objective evidence of a suggestion or motivation to modify Alcorn, the Examiner attempts to meet his initial burden to establish a *prime facie* case of obviousness by relying on an alleged lack of criticality of appellants' distinguishing claim features. The Examiner contends that "absence the criticality of the location determination being made in the casino gaming server versus the remote user equipment, the claimed invention is rendered obvious" (Office Action, p. 4, emphasis added).

Despite the Examiner's contention, appellants respectfully submit that the lack of criticality of a claimed feature cannot, in and of itself, render that feature obvious. Rather, criticality may be used by an applicant or appellant to "rebut a prime facie case of obviousness based on overlapping ranges." (MPEP § 2144.05 (III), emphasis added). Appellants

submit that there are no overlapping ranges between appellant's claimed invention and Alcorn. Therefore, appellants submit that criticality plays no role in determining the patentability of the claims in this case.

In view of the foregoing, the Examiner has failed to establish a *prime facie* case of obviousness. Alcorn fails to show or suggest receiving blackout information or verifying the location of terminals at the user equipment. In addition, the Examiner has failed to provide any motivation to perform Alcorn's location verification at the user equipment, and the Examiner's reliance on a lack of criticality is improper. For at least these reasons, appellants respectfully submit that the Examiner erred in rejecting independent claims 12, 27, 54, and 72. Accordingly, this rejection should be reversed and independent claims 12, 27, 54, and 72 as well as dependent claims 13, 35-39, 55-57, and 73-75 should therefore be allowed.

B. The Rejection of Independent Claims 1, 14, 16, 29, 40, 58, 76, and 78

The Examiner rejected independent claims 1, 14, 16, 29, 40, 58, 76, and 78 under 35 U.S.C. § 103(a) as being unpatentable over Paravia. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' independent claims 1, 14, 16, 29, 40, 58, 76, and 78 are directed to restricting wagering access on user equipment. When a determination is made that the user equipment is in a location where wagering is allowed, a location verification token is provided to the user equipment. The location verification token includes content that indicates that the user equipment is in a location where wagering is allowed. Wagering access is restricted when either the user equipment does not have a valid token (claims 1, 16, 40, and 58) or a token is not stored on the user equipment (claims 14, 29, 76, and 79).

i. There is No Motivation or Suggestion to Modify Paravia to Include Cookies

The Examiner acknowledges the novelty of claims 1, 14, 16, 29, 40, 58, 76, and 78 over Paravia and concedes that Paravia fails to show appellants' claimed features of (a) providing the user equipment with a location verification token when it is determined that the user equipment is in a location where wagering is allowed; (b) using the interactive wagering application to verify whether the location verification token is valid; and (c) restricting wagering access when either the user equipment does not have a valid token (claims 1, 16, 40, and 58) or a token is not stored on the user equipment (claims 14, 29, 76, and 79).

The Examiner, however, contends that it would have been obvious to modify Paravia to include a "cookie" on the player's gaming device to achieve appellants' invention. Appellants respectfully disagree.

The Examiner's alleged motivation for making such a modification to Paravia was to "recognize where the (IP address or otherwise) from which the player is accessing the system and to identify the particular player." (Office Action, page 13). According to the Examiner, this allows Paravia's location verification process to be "bypassed on subsequent connections so that the player could go directly into the gaming system, or to provide the entry screen with the appropriate user name and requesting only password information to facilitate the login process." Id.

Paravia's gaming system, however, does not perform its location verification process prior to allowing a player to enter the gaming system. As shown in FIG. 12 and as described in the accompanying description of Paravia, Paravia only performs the location verification process after a player enters gaming selections (i.e., places a wager). (See also FIGS. 14 and 15 of Paravia). Paravia states that this arrangement "insures that the player is within the boundaries of a particular location, such as a state to comply with various laws and regulations." (Paravia, column 22, lines 30-32).

Therefore, attempts to include cookies into Paravia's gaming system to bypass the login process would be unsuccessful because the verification process is not performed at login.

ii. Paravia Teaches Away from the Examiner's Proposed Modification

In addition, the Examiner's proposed modification to include cookies into Paravia's gaming system would no longer insure that a player is located in an authorized location. For example, a player might move his gaming terminal from an authorized location to an unauthorized location (and in the process receive a new network address). Adding cookies to Paravia's gaming system to bypass the location verification processes would allow a player to participate in a game from an unauthorized location because the login process would be bypassed via the cookie.

Although the Examiner contends in the Office Action that the practice of moving a computing device is "impractical," Paravia's gaming system is compatible with a "wide range of computing platforms." (Paravia, column 5, line 17). Since mobile computing devices were well-known at the time of Paravia's invention, Paravia teaches away from the Examiner's proposed modification to include cookies to bypass the login process. This modification renders Paravia unsatisfactory for its intended purposes, and therefore there is no motivation or

suggestion to make the Examiner's proposed modification. (See In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

iii. The Proposed Modification Would Still Fail to Show or Suggest the Claimed Invention

Even if there were some suggestion or motivation to include cookies in Paravia's gaming system, the modification would still fail to show or suggest any geographic location verification functionality. As shown in the Examiner's reference, "TCP/IP for Dummies" (attached as Appendix E), cookies are simple pieces of data that web servers send to client machines when the client machines connect to a website for the first time. Thereafter, "the browser returns a copy of the cookie to the server each time it connects." (Appendix E, page 331).

Thus cookies, by themselves, do not inherently provide any location verification functionality. Namely, the Examiner's proposed modification would still fail to show or suggest appellants' claimed features of (a) providing the user equipment with a location verification token when it is determined that the user equipment is in a location where wagering is allowed; (b) using the interactive wagering application to verify whether the location verification token is valid; and (c) restricting wagering access when either the user equipment does not have a

valid token (claims 1, 16, 40, and 58) or a token is not stored on the user equipment (claims 14, 29, 76, and 79).

In view of the foregoing, appellants submit that a substantial amount of client-side and server programming would be required to accomplish the above location verification tasks in Paravia's gaming system using cookies alone. Paravia and the Examiner's "TCP/IP for Dummies" reference do not disclose or suggest this programming or the appellants' claimed functionality.

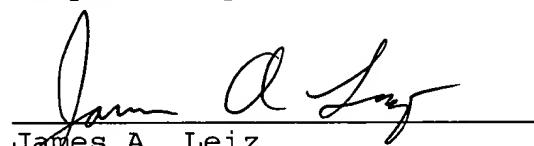
Accordingly, because Paravia teaches away from the Examiner's proposed modification, because the Examiner has failed to provide any objective evidence of a motivation to modify Paravia, and because the modification still fails to show or suggest appellants' claimed invention, appellants respectfully submit that the Examiner erred in rejecting independent claims 1, 14, 16, 29, 40, 58, 76, and 78.

Accordingly, the rejection should be reversed and independent claims 1, 14, 16, 29, 40, 58, 76, and 78 and dependent claims 2-11, 15, 17-26, 30-35, 41-53, 59-71, 77, and 79 should therefore be allowed.

VIII. Conclusion

For the reasons set forth above, applicants/appellants respectfully submit that claims 1-79 are in condition for allowance. The Examiner's rejection of these claims should be reversed.

Respectfully submitted,

  
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CLAIMS APPENDIX A  
CLAIMS 1-79 ON APPEAL

1. A method for restricting wagering access on user equipment, using an interactive wagering application comprising:  
determining a geographic location of the user equipment;

checking whether wagering is allowed in the geographic location of the user equipment;

providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed;

using the interactive wagering application to verify whether the location verification token is valid; and  
restricting wagering access when the user equipment does not have a valid location verification token.

2. The method of claim 1, further comprising providing wagering access when the user equipment has the location verification token.

3. The method of claim 1, wherein determining the geographic location of the user equipment comprises using a global positioning satellite system.

4. The method of claim 1, wherein determining the geographic location of the user equipment comprises using automatic number identification on a telephone network.

5. The method of claim 1, wherein checking whether wagering is allowed comprises:

determining in which geographic locations wagering is not allowed; and

comparing the geographic location of the user equipment with the geographic locations in which wagering is not allowed.

6. The method of claim 1, wherein checking whether wagering is allowed comprises:

using an interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

7. The method of claim 6, wherein using an interactive wagering system comprises using a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, and any combination thereof.

8. The method of claim 1 wherein the location verification token expires after a predetermined period of time.

9. The method of claim 1, further comprising:

providing a user with the ability to set user-defined wagering access restrictions; and

restricting wagering access based on the user-defined wagering access restrictions.

10. The method of claim 1, wherein restricting wagering access comprises performing a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof.

11. The method of claim 1, wherein checking whether wagering is allowed comprises:

receiving blackout information at the user equipment; and

determining whether wagering is allowed based on the geographic location of the user equipment and on the blackout information.

12. A method for enabling user equipment to verify whether it is located in a geographic location where wagering is allowed, using an interactive wagering application comprising:

using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering;

obtaining location information that indicates the geographic location the user equipment is located; and

comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed.

13. The method of claim 12 wherein the location information is obtained by a location tracing service that analyzes automatic number identification information obtained

from having the user equipment establish a communications link using a telephone network.

14. A method for verifying that user equipment is located in a geographic location where wagering is allowed, using an interactive wagering application comprising:

determining in which geographic location the user equipment is located;

providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token is provided by an interactive wagering system, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed, and wherein the location verification token is stored on the user equipment; and

restricting wagering access when the location verification token is not stored on the user equipment.

15. The method of claim 14 wherein determining in which geographic location the user equipment is located comprises using the interactive wagering system and a location tracing service to analyze automatic number identification

information obtained from having the user equipment establish a communications link using a telephone network.

16. An interactive wagering system having user equipment that restricts wagering access, the interactive wagering system configured to:

determine a geographic location of the user equipment;

check whether wagering is allowed in the geographic location of the user equipment;

provide the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed;

use an interactive wagering application to verify whether the location verification token is valid; and

restrict wagering access when the user equipment does not have a valid location verification token.

17. The system of claim 16 further comprising user equipment configured to provide wagering access when the user equipment has the location verification token.

18. The system of claim 16 further comprising a global positioning satellite system to determine the location of the user equipment.

19. The system of claim 16 further comprising a telephone network having automatic number identification functionality that is used to determine the geographic location of the user equipment.

20. The system of claim 16, wherein the interactive wagering system is further configured to:

determine in which geographic locations wagering is not allowed; and

compare the geographic location of the user equipment with the geographic locations in which wagering is not allowed.

21. The system of claim 16 is further configured to:

use the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

22. The system of claim 21 wherein the interactive wagering system is comprised of a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, user equipment, and any combination thereof.

23. The system of claim 16 wherein the location verification token expires after a predetermined period of time.

24. The system of claim 16, wherein the user equipment is configured to:

provide a user with the ability to set user-defined wagering access restrictions; and  
restrict wagering access based on the user-defined wagering access restrictions.

25. The system of claim 16, wherein the user equipment is configured to perform a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators

from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof.

26. The system of claim 16, wherein the user equipment is configured to:

receive blackout information; and  
determine whether wagering is allowed based on the geographic location of the user equipment and on the blackout information.

27. An interactive wagering system that enables user equipment to verify whether it is located in a geographic location where wagering is allowed, the user equipment is configured to:

use an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering;  
obtain location information that indicates the geographic location the user equipment is located; and  
compare the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed.

28. The system of claim 27 further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

29. An interactive wagering system for verifying that user equipment is located in a geographic location where wagering is allowed, the system configured to:

determine in which geographic location the user equipment is located;

provide the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token is provided by an interactive wagering system, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed, and wherein the location verification token is stored on the user equipment; and

restrict wagering access when the location verification token is not stored on the user equipment.

30. The system of claim 29 further comprising a location tracing service to analyze automatic number

identification information obtained from having the user equipment establish a communications link using a telephone network.

31. The system of claim 16 wherein the user equipment is configured to determine the geographic location of the user equipment.

32. The system of claim 16 wherein the user equipment is configured to check whether wagering is allowed in the geographic location of the user equipment.

33. The system of claim 16, wherein the user equipment is configured to restrict wagering access when wagering is not allowed in the geographic location of the user equipment.

34. The method of claim 1, further comprising automatically removing the location verification token from the user equipment after a predetermined period of time.

35. The system of claim 16, wherein the user equipment is configured to automatically remove the location verification

token from the user equipment after a predetermined period of time.

36. The method of claim 12, further comprising restricting wagering access when the user equipment is determined to be in a location where wagering is not allowed.

37. The method of claim 12, wherein the location information is obtained from a global positioning satellite receiver.

38. The system of claim 27, wherein the user equipment is configured to restrict wagering access when the user equipment is determined to be in a location where wagering is not allowed.

39. The system of claim 27, wherein the location information is obtained from a global positioning satellite receiver.

40. A machine-readable medium encoded with machine-readable instructions for use in a system that restricts wagering access on user equipment, the machine-readable instructions configured to:

determine a geographic location of the user equipment;

check whether wagering is allowed in the geographic location of the user equipment;

provide the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed;

use the interactive wagering application to verify whether the location verification token is valid; and

restrict wagering access when the user equipment does not have a valid location verification token.

41. The machine-readable medium of claim 40, the machine-readable instructions further configured to provide wagering access when the user equipment has the location verification token.

42. The machine-readable medium of claim 40, the machine-readable instructions further configured to use a global positioning satellite system.

43. The machine-readable medium of claim 40, the machine-readable instructions further configured to use automatic number identification on a telephone network.

44. The machine-readable medium of claim 40, the machine-readable instructions further configured to:

determine in which geographic locations wagering is not allowed; and

compare the geographic location of the user equipment with the geographic locations in which wagering is not allowed.

45. The machine-readable medium of claim 40, the machine-readable instructions further configured to use an interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

46. The machine-readable medium of claim 40, the machine-readable instructions further configured to store the location verification token at the user equipment for a predetermined period of time.

47. The machine-readable medium of claim 40, the machine-readable instructions further configured to:

provide a user with the ability to set user-defined wagering access restrictions; and

restrict wagering access based on the user-defined wagering access restrictions.

48. The machine-readable medium of claim 40, the machine-readable instructions for configured to perform a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof.

49. The machine-readable medium of claim 40, the machine-readable instructions further configured to:

receive blackout information at the user equipment; and

determine whether wagering is allowed based on the geographic location of the user equipment and on the blackout information.

50. The machine-readable medium of claim 40, wherein the location verification token expires after a predetermined period of time.

51. The machine-readable medium of claim 40, the machine-readable instructions further configured to use the user equipment to determine the geographic location of the user equipment.

52. The machine-readable medium of claim 40, the machine-readable instructions further configured to use the user equipment to check whether wagering is allowed in the geographic location of the user equipment.

53. The machine-readable medium of claim 40, the machine-readable instructions further configured to use the user equipment to restrict wagering access when wagering is not allowed in the geographic location of the user equipment.

54. A machine-readable medium encoded with machine-readable instructions for enabling user equipment to verify whether it is located in a geographic location where wagering is allowed, the machine-readable instructions configured to:

use an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering;

obtain location information that indicates the geographic location the user equipment is located; and

compare the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed.

55. The machine-readable medium of claim 54, wherein the location information is obtained by a location tracing service that analyzes automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

56. The machine-readable medium of claim 54, the machine-readable instructions further configured to restrict wagering access when the user equipment is determined to be in a location where wagering is not allowed.

57. The machine-readable medium of claim 54, wherein the location information is obtained from a global positioning satellite receiver.

58. An interactive wagering system having user equipment that restricts wagering access, the system comprising:

means for determining a geographic location of the user equipment;

means for checking whether wagering is allowed in the geographic location of the user equipment;

means for providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed;

means for using the interactive wagering application to verify whether the location verification token is valid; and

means for restricting wagering access when the user equipment does not have a valid location verification token.

59. The system of claim 58, further comprising means for providing wagering access when the user equipment has the location verification token.

60. The system of claim 58, wherein the means for determining the geographic location comprises means for using a global positioning satellite system.

61. The system of claim 58, wherein the means for determining the geographic location comprises means for using automatic number identification on a telephone network.

62. The system of claim 58, wherein the means for checking whether wagering is allowed comprises:

means for determining in which geographic locations wagering is not allowed; and

means for comparing the geographic location of the user equipment with the geographic locations in which wagering is not allowed.

63. The system of claim 58, wherein the means for checking whether wagering is allowed comprises means for using an interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

64. The system of claim 58, wherein the location verification token expires after a predetermined period of time.

65. The system of claim 58, further comprising:  
means for providing a user with the ability to set user-defined wagering access restrictions; and  
means for restricting wagering access based on the user-defined wagering access restrictions.

66. The system of claim 58, wherein the means for restricting wagering access comprises means for performing a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof.

67. The system of claim 58, wherein the means for checking whether wagering is allowed comprises:  
means for receiving blackout information at the user equipment; and

means for determining whether wagering is allowed based on the geographic location of the user equipment and on the blackout information.

68. The system of claim 58, further comprising means for automatically removing the location verification token from the user equipment after a predetermined period of time.

69. The system of claim 58, further comprising means for using the user equipment to determine the geographic location of the user equipment.

70. The system of claim 58, further comprising means for using the user equipment to check whether wagering is allowed in the geographic location of the user equipment.

71. The system of claim 58, further comprising means for using the user equipment to restrict wagering access when wagering is not allowed in the geographic location of the user equipment.

72. An interactive wagering system for enabling user equipment to verify whether it is located in a geographic location where wagering is allowed, the system comprising:

means for using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering;

means for obtaining location information that indicates the geographic location the user equipment is located; and

means for comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed.

73. The system of claim 72, wherein the location information is obtained by a location tracing service that analyzes automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

74. The system of claim 72, further comprising means for restricting wagering access when the user equipment is determined to be in a location where wagering is not allowed.

75. The system of claim 72, wherein the location information is obtained from a global positioning satellite receiver.

76. An machine-readable medium encoded with machine-readable instructions for use in an interactive wagering system for verifying that user equipment is located in a geographic location where wagering is allowed, the machine-readable instructions configured to:

determine in which geographic location the user equipment is located;

provide the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token is provided by an interactive wagering system, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed, and wherein the location verification token is stored on the user equipment; and

restrict wagering access when the location verification token is not stored on the user equipment.

77. The machine-readable medium of claim 76, the machine-readable instructions further configured to use the interactive wagering system and a location tracing service to analyze automatic number identification information obtained

from having the user equipment establish a communications link using a telephone network.

78. An interactive wagering system for verifying that user equipment is located in a geographic location where wagering is allowed, the system comprising:

means for determining in which geographic location the user equipment is located;

means for providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token is provided by an interactive wagering system, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed, and wherein the location verification token is stored on the user equipment; and

means for restricting wagering access when the location verification token is not stored on the user equipment.

79. The system of claim 78, wherein the means for determining comprises means for using the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user

equipment establish a communications link using a telephone network.

EVIDENCE APPENDIX B  
COPY OF THE FINAL OFFICE ACTION DATED DECEMBER 6, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,679	04/05/2001	Richard E. McNutt	ODS-31	6749

1473 7590 12/06/2004  
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DEC 09 2004

EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 12/06/2004

FISH &amp; NEAVE - PATENT DEPT.

REFERRED TO HVC

NOTED BY \_\_\_\_\_

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR Mar 6, 2005  
(FINAL)



## Office Action Summary

<b>Application No.</b> 09/827,679  <b>Examiner</b> Scott E. Jones	<b>Applicant(s)</b>
	MCNUTT ET AL.  Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 19 August 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-79 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 January 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|---|--|

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## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the reply to office action filed on August 19, 2004 in which applicant provides a summary of the interview the responds to the claim rejections. Claims 1-79 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 27, 36-39, 54, 56-57, 72, and 74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. (U.S. 6,104,815).

Alcorn et al. discloses a method and apparatus that uses GPS and/or "set-top-box" technology to restrict gaming based on a geographical location. Alcorn et al. additionally discloses:

Regarding Claims 12, 54, and 72:

- using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering; (Figure 5, Column 7, lines 8-31, and Column 8, lines 26-41); The examiner interprets blackout information to be the geographical locations that wagering is not permitted.
- obtaining location information that indicates geographic location the user equipment is located (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31); and

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- compare the blackout information and the location information at casino server (15) to determine whether the user equipment is located in a geographic location where wagering is allowed (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31). The examiner interprets blackout information to be the geographical locations that wagering is not permitted.

Regarding Claim 27:

- use an integrated receiver decoder to receive blackout information (Figure 5, Column 7, lines 8-31, and Column 8, lines 26-41); The examiner interprets blackout information to be the geographical locations that wagering is not permitted.
- obtain location information that indicates geographic location the user equipment is located equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31); and
- compare the blackout information and the location information at casino server (15) to determine whether the user equipment is located in a geographic location where wagering is allowed (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31). The examiner interprets blackout information to be the geographical locations that wagering is not permitted.

Regarding Claims 36, 38, 56, and 74:

- restricting wagering access when the user equipment is determined to be in a location where wagering is not allowed (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31).

Regarding Claims 37, 39, 57, and 75:

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- the location information is obtained from a global positioning satellite (Figure 1 and Column 3, line 40-Column 4, line 22).

Although Alcorn et al. discloses using remote terminals to send location information to a casino gaming server to determine whether the remote terminals are in a valid location, Alcorn et al. seems to lack explicitly disclosing:

Regarding Claims 12, 27, 54, and 72:

- comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed based on the blackout information. The examiner interprets blackout information to be the geographical locations that wagering is not permitted.

Although Alcorn et al. discloses using remote terminals to send location information to a casino gaming server to determine whether the remote terminals are in a valid location, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to make this determination in the remote user equipment as claimed. In this case, Alcorn's apparatus and the instant invention perform the same function, Alcorn's apparatus makes the location determination in the casino gaming server, whereas, the instant claimed invention makes the location determination in the remote user equipment. However, in the specification Applicant describes how the interactive wagering application (including location verification) can be implemented in a network server or on the remote user equipment (Page 7, line 18-Page 8, line 3). Therefore, absence the criticality of the location determination being made in the casino gaming server versus the remote user equipment, the claimed invention is rendered obvious.

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4. Claims 1-2, 4-11, 14-17, 19-26, 28-35, 40-41, 43-53, 58-59, 61-71, and 76-79 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (U.S. 6,508,710).

Paravia discloses an interactive gaming system that uses a location verification system to determine if a player is in a geographical location that allows wagering. If wagering is allowed, the player is allowed to submit wagering information; otherwise, the player is notified and not allowed to wager. Paravia additionally discloses:

Regarding Claims 1, 40, 51-53, 58, and 69-71:

- determining a geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40);
- checking whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- restricting wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claims 2, 41, and 59:

- providing wagering access when wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 4, 43, and 61:

- determining the geographic location of the user equipment comprises using automatic number identification on a telephone network (Column 19, lines 31-35).

Regarding Claims 5, 44, and 62:

- determining in which geographic locations wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) ; and
- comparing the geographic location of the user equipment with the geographic locations in which wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claims 6, 45, and 63:

- using an interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claim 7:

- using a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, and any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 9, 47, and 65:

- providing a user with the ability to set user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54); and
- restricting wagering access based on the user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54).

Regarding Claims 10, 48, and 66:

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- performing a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 11, 49, and 67:

- receiving blackout information at the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- determining whether wagering is allowed based on the geographic location of the user equipment and on the blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claims 14 and 76:

- determining in which geographic location the user equipment is located (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 15 and 77:

- determining in which geographic location the user equipment is located comprises using the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a

communications link using a telephone network (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 16:

- determine a geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40);
- check whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 19:

- a telephone network having automatic number identification functionality that is used to determine the geographic location of the user equipment (Column 19, lines 31-35).

Regarding Claim 20:

- determine in which geographic locations wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- compare the geographic location of the user equipment with the geographic locations in which wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55,

Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 21:

- use the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 22:

- the interactive wagering system is comprised of a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, user equipment, and any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 24:

- provide a user with the ability to set user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54); and
- restrict wagering access based on the user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54).

Regarding Claim 25:

- wherein the user equipment is configured to perform a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is

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selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 26:

- receive blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- determine whether wagering is allowed based on the geographic location of the user equipment and on the blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 28:

- further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claims 29 and 78:

- determine in which geographic location the user equipment is located (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- provide the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location

where wagering is allowed (Column 7, lines 38-46, and Column 21, line 14-Column 22, line 41).

Regarding Claims 30 and 79:

- further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claim 31:

- wherein the user equipment is configured to determine the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 32:

- wherein the user equipment is configured to check whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 33:

- wherein the user equipment is configured to restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Paravia et al. seems to lack explicitly disclosing:

Regarding Claim 1:

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- providing the user equipment with a location verification token when the user equipment is in a location where wagering is allowed;
- using the interactive wagering application to verify whether the location verification token is valid; and
- restricting wagering access when the user equipment does not have a valid location verification token.

Regarding Claims 8, 23, 34, 35, 46, 50, 64, and 68:

- the location verification token, stored on the user equipment, expires and is removed after a predetermined period of time.

Regarding Claim 14:

- providing the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location where wagering is allowed.

Regarding Claim 16:

- provide the user equipment with a location verification token when the user equipment is in a location where wagering is allowed;
- use an interactive wagering application to verify whether the location verification token is valid; and
- restrict wagering access when the user equipment does not have a valid location verification token.

Regarding Claim 17:

- user equipment configured to provide wagering access when the user equipment has the location verification token.

Regarding Claim 29:

- wherein the location verification token is stored on the user equipment; and
- restrict wagering access when the location verification token is not stored on the user equipment.

Regarding claims 1, 14, 16, 17, and 29, Paravia's system uses a location verification module to determine the location of the player and determines, based on the location verification data, whether the player can place wagers. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to include a "cookie" on a player's gaming device, such as a computer, to recognize where the (IP address or otherwise) from which the player is accessing the system and to identify the particular player. One would be motivated to place a "cookie" on a player's machine because once the location verification process has been completed a first time, then a cookie could be placed on the user device such that the location verification process would be bypassed on subsequent connections so that the player could go directly into the gaming system, or to provide the entry screen with the appropriate user name and requesting only password information to facilitate the login process to the wagering system.

Regarding claims 8, 23, 34, 35, 46, 50, 64, and 68 it would have been obvious at the time of applicant's invention to have the location verification token (cookie) on a player's machine expire. An expiration date or time is one of the parameters that is configured when creating a cookie. A cookie can expire and then be removed at the end of a session, end of a week, or any other suitable time implemented by a programmer.

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5. Claims 13, 55, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. (U.S. 6,104,815) in view of Paravia et al. (U.S. 6,508,710).

Alcorn et al. discloses that as discussed above regarding claims 12, 27, 36-39, 54, 56-57, 72, and 74-75. Alcorn et al. seems to lack explicitly disclosing:

Regarding Claims 13, 55, and 73:

- the location information is obtained by a location tracing service that analyzes automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

Paravia et al. teaches of an interactive gaming system that uses a location verification system to determine if a player is in a geographical location that allows wagering. If wagering is allowed, the player is allowed to submit wagering information; otherwise, the player is notified and not allowed to wager. Paravia et al., like Alcorn et al., uses technology to restrict gaming based on a geographical location. Paravia et al. teaches:

Regarding Claims 13, 55, and 73:

- the location information is obtained by a location tracing service that analyzes automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to utilize Paravia's location tracing service technology in Alcorn's system to determine a player's physical location. One would be motivated to do so because it facilitates denial of gambling or other transactional privileges to those who are resident at locations or in jurisdictions that would make such transactions illegal.

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6. Claims 3, 18, 42, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Paravia et al. (U.S. 6,508,710) in view of Alcorn et al. (U.S. 6,104,815).

Paravia et al. teaches that as discussed above regarding Claims 1-2, 4-11, 14-17, 19-26, 28-35, 40-41, 43-53, 58-59, 61-71, and 76-79. However, Paravia et al. lacks explicitly disclosing:

Regarding Claims 3, 18, 42, and 60:

- further comprising a global positioning satellite system to determine the location of the user equipment.

Alcorn et al. teaches of a method and apparatus that uses GPS and/or "set-top-box" technology to restrict gaming based on a geographical location. Alcorn et al., like Paravia et al., uses technology to restrict gaming based on a geographical location. Alcorn et al. teaches:

Regarding Claims 3, 18, 42, and 60:

- further comprising a global positioning satellite system to determine the location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to utilize Alcorn's GPS and/or "set-top-box" technology in Paravia's system to determine a player's physical location and blackout information. One would be motivated to do so because it facilitates denial of gambling or other transactional privileges to those who are resident at locations or in jurisdictions that would make such transactions illegal.

#### *Response to Arguments*

7. Applicant respectfully traverses the rejection to claims 12, 27, 36-39, 54, 56-57, 72, and 74-75 under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. (U.S. 6,104,815). Applicant alleges Alcorn fails to show or suggest using remote terminals (remote units) to compare location

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information to receive blackout information (As defined by Applicant, blackout information may include information such as locations in which wagering is restricted (Page 3, lines 3-15)) to determine whether the remote terminals are in a valid location. However, Applicant acknowledges Alcorn uses the remote terminals to send location information to a gaming server to determine whether the remote terminals are in a valid location. Applicant alleges the examiner has not established a *prima facie* case of obviousness because the rejection to this element allegedly relies solely on a lack of criticality. The examiner respectfully disagrees. Alcorn expressly teaches this feature, the difference being where the location determination is being made. Therefore, a lack of criticality of the location determination being made in the casino gaming server verses in the remote user equipment is used only as a secondary consideration. In this case, Alcorn's apparatus and the instant invention perform the same function, Alcorn's apparatus makes the location determination in the casino gaming server, whereas, the instant claimed invention makes the location determination in the remote user equipment. However, in the specification Applicant describes how the interactive wagering application (including location verification) can be implemented in a network server or on the remote user equipment (Page 7, line 18-Page 8, line 3, Page 2, line 28-Page 4, line 21, Page 22, lines 6-26, Figure 12, and Page 43, line 7-Page 45, line 8). Therefore, absence the criticality of the location determination being made in the casino gaming server versus the remote user equipment, the claimed invention is rendered obvious.

8. Applicant respectfully traverses the rejection to claims 1-2, 4-11, 14-17, 19-26, 28-35, 40-41, 43-53, 58-59, 61-71, and 76-79 under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (U.S. 6,508,710). Applicant alleges there is not a showing or suggestion that cookies would be provided to the user equipment in response to a determination that the user equipment is in a location where wagering is allowed, nor that such cookies would comprise content that indicates the user

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equipment is in a location where wagering is allowed. The examiner respectfully disagrees. As previously discussed in Office Action, Paper No. 12, Paravia's system uses a location verification module to determine the location of the player and determines, based on the location verification data, whether the player can place wagers. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to include a "cookie" on a player's gaming device, such as a computer, to recognize where the (IP address or otherwise) from which the player is accessing the system and to identify the particular player. One would be motivated to place a "cookie" on a player's machine because once the location verification process has been completed a first time, then a cookie could be placed on the user device such that the location verification process would be bypassed on subsequent connections so that the player could go directly into the gaming system, or to provide the entry screen with the appropriate user name and requesting only password information to facilitate the login process to the wagering system. In support of the examiner's position, and at Applicant's previous request, the examiner cites TCP/IP for Dummies to define a "cookie". A cookie is information that a web server sends to your browser when you connect to a site for the first time. Thereafter, the browser returns a copy of the cookie to the server each time it connects. Furthermore, when you accept a cookie you leave behind some information about yourself, such as the name and IP address of your computer. Therefore, the examiner believes Paravia renders the claimed invention obvious.

Additionally, Applicant alleges Paravia et al. teaches away from the instant invention because there is a possibility that a player could physically move their personal computer to a location that permits wagering access after an initial location verification is performed. Although the examiner concedes physically moving a personal computer over a distance, such as to another city or state, is remotely possible, the practice is impractical. Furthermore, the possibility of physically moving a

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personal computer to a location that permits wagering access does not preclude the embodiments disclosed in Paravia et al. from rendering the claimed invention obvious.

9. Applicant respectfully traverses the rejection to claims 13, 55, and 73 under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. (U.S. 6,104,815) in view of Paravia et al. (U.S. 6,508,710) and the rejection to claims 3, 18, 42, and 60 under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (U.S. 6,508,710) in view of Alcorn et al. (U.S. 6,104,815) for the same reasons as provided above. Please see item Numbers 8 and 9 above.

*Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Examiner  
Art Unit 3713

sej



EVIDENCE APPENDIX C  
COPY OF ALCORN U.S. PATENT NO. 6,104,815

EVIDENCE APPENDIX E  
COPY OF LEIDEN, CONDANCE ET AL.  
"TCP/IP FOR DUMMIES," SECOND ED., 1997, P. 331

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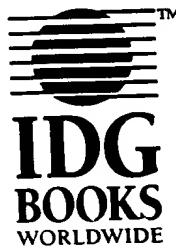
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## How Can I Get a Browser?

Here's a catch-22. Use a browser to get a browser: Read the document at [www.boutell.com/faq/index.htm](http://www.boutell.com/faq/index.htm). It tells you how to obtain and use a browser for almost every operating system — even strange or old ones such as Amiga, Acorn RISCOS, and NeXT. The document also tells you how to get batch-mode browsers and where to find browsers accessible by telnet. Don't forget about using Anonymous FTP or Gopher to get a browser.

## Does the Web have a Card Catalog?

You can find plenty of catalogs or indexes of information on the Web. Were you hoping to hear a definitive answer here? Sorry, there is none. The Web has no built-in mechanism to create a single Web-wide catalog of subjects. Yahoo ([www.yahoo.com](http://www.yahoo.com)) is a complete index of Web sites, listed by subject. It also has a search facility. The original catalog of the web is the WWW Virtual Library ([www.w3.org/hypertext/DataSources/bySubject/Overview.html](http://www.w3.org/hypertext/DataSources/bySubject/Overview.html)), created at CERN in Switzerland and now maintained by the W3 Consortium — it's a good place to find resources on a particular subject.

## What's a Cookie?

To us, it's got chocolate chips and nuts in it, but on the Internet's table, a cookie is information that a web server sends to your browser when you connect to a site for the first time. Thereafter, the browser returns a copy of the cookie to the server each time it connects. Because cookies are not part of the standard HTTP specification, only some browsers (such as recent versions of Microsoft Internet Explorer and Netscape Navigator) support them.



Cookies cannot invade your computer system. Cookie lovers claim that cookies allow Web servers to serve you better by knowing your preferences. For example, if you say that you like to travel in an airplane window seat, a server puts your preference into a cookie and sends it to your browser. The next time you contact the site, your browser returns the cookie, showing you the flights that have window seats available.



Your browser may ask if you want to accept a cookie. Your authors usually say, "No thanks," because you leave behind some information about yourself, such as the name and IP address of your computer, your brand of browser, your operating system, and the URL, each time you visit a Web page. It may be difficult for someone to follow your trail of bread crumbs, but dastardly spies may be able to learn way too much about you from cookies.

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